

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RASHID JAHM, pro se,)	
)	
Plaintiff,)	CASE NO. 05-CV-11638-JLT
)	
v.)	HON. JOSEPH L. TAURO
)	
DENNIS D. LIEBER, et al,)	
)	
Defendants.)	
)	
)	

**DEFENDANT GREAT AMERICAN INSURANCE COMPANIES' MOTION TO
STRIKE PLAINTIFF'S "ANSWER" TO MOTION TO DISMISS**

The defendant, Great American Insurance Company, hereby moves to strike "Plaintiff answer to Motion of Great American Insurance", which the defendant assumes, for purposes of this motion, is intended as a response to Great American's Motion to Dismiss.

Plaintiff's "answer" does not specifically oppose Great American's Motion to Dismiss and is non-responsive in that it fails to address Great American's position that plaintiff's Complaint, on its face, fails to state a claim against Great American upon which can be granted.

The first three sentences of plaintiff's "answer" purport to move for a default judgment against Great American, incorporating unattested factual allegations which are not included in plaintiff's Complaint. This section of plaintiff's "answer" is non-responsive to Great American's motion to dismiss and is immaterial to the Court's

consideration of whether the allegations actually asserted in plaintiff's Complaint fail to state a claim against Great American upon which relief can be granted.

The "Facts" section of plaintiff's "answer" sets forth a series of unattested factual allegations, the majority of which are new factual contentions which are not alleged in plaintiff's Complaint. These newly alleged facts are immaterial to the Court's consideration of whether the allegations asserted in plaintiff's Complaint set forth a claim against Great American upon which relief can be granted. The remaining allegations in the "Facts" section of plaintiff's "answer" are simply redundant of the minimal and insufficient allegations against Great American which plaintiff asserts in his Complaint.

Plaintiff's "answer" to Great American's motion to dismiss is non-responsive to Great American's motion. All of the factual allegations asserted in plaintiff's "answer" are either immaterial or redundant and, therefore, should not be considered by the Court in deciding the merits of Great American's motion to dismiss.

For all of the above reasons, Great American moves that Plaintiff's "answer" to Great American's motion to dismiss be stricken in its entirety and be given no consideration by this Court.

The Defendant,
**GREAT AMERICAN INSURANCE
COMPANIES**
By its Attorneys,

ADLER POLLOCK & SHEEHAN P.C.

/s/ Patrick T. Voke
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 5, 2006.

/s/ Patrick T. Voke
Patrick T. Voke

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